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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,611	02/01/2001	Yoshio Maeda	08187.0001	3349

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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WASHINGTON, DC 20005

EXAMINER

ROSALES HANNER, MORELLA I

ART UNIT PAPER NUMBER

2128

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,611

Applicant(s)

MAEDA ET AL.

Examiner

Morella I Rosales-Hanner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/24/2001
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Detailed Action

1. **Claims 1 – 19** have been examined and are pending.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) for Japanese Patent 00-96011 dated 03/31/2000.

Information Disclosure Statement

3. The information disclosure statements (IDS) received by the Office on Oct 28th, 2001, are in compliance with the provisions of 37 CFR 1.97. Accordingly, the Examiner has considered the information disclosure statements.

Drawings

4. **Figure 1** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1 The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5.2 **Claims 1 – 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Printed product information from Autodesk, hereafter referred to as *Autodesk*, in view of a printed publication by **Microsoft Corporation for the Microsoft Office 2000 product**, hereafter referred to as *MSOffice*.

5.2.1. As regard to **claims 1 - 19**, *Autodesk* teaches [Using VBA in AutoCAD Release 14] that the implementation of the Release 14 software's with VBA allows the Visual Basic development environment to run simultaneously with AutoCAD providing programmatic control of AutoCAD through the ActiveX Automation mechanism therefore providing an extremely powerful method for manipulating AutoCAD objects and exchanging data with other applications. *Autodesk* also teaches [VBA Preview – Frequently Asked Questions] that VBA is an "in process" controller that translate to better application performance and throughput for AutoCAD Release 14 providing application integration with other VBA-

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enabled applications and that it is possible to use ActiveX DLLs with the AutoCAD VBA.

Autodesk further teaches [Introduction to ActiveX Automation] how to create, manipulate and edit objects in AutoCAD through VB it also teaches how to use the object model with other applications, that the ActiveX Automation suite of controllers (VB, AutoCAD VBA, VBScript, Excel, Word, etc.) allows for incredibly robust applications and solutions, that because of its ease of use and minimization of coding it is accessible to computer users at all levels, and that the AutoCAD ActiveX Automation model is expected to be expanded as users needs become more apparent.

Autodesk does not expressly teach a method for generating and changing a parametric design in a CAD system from spreadsheet application program, such as Excel using a script file.

MSOffice teaches that each Microsoft Office application, such as Excel, the Automation technology which allows a developer to use Visual Basic for Applications (VBA) code to create and control software objects exposed by any application, dynamic-link library (DLL), or ActiveX control that supports the appropriate programmatic interfaces allowing an user to program individual Office applications.

It would have been obvious to one of ordinary skills in the art, at the time of the invention, to use the teaching of the *Autodesk* reference with the Automation technology available in the Microsoft Office 2000 applications as taught by *MSOffice* to come up with a method for generating and changing a parametric design in a CAD system, such as AutoCAD Release 14, from a spreadsheet applications such as Excel using a VB

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script file or a set of macros in order to facilitate the manipulation of AutoCAD objects and exchange of data from MS Excel.

Additional references

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Bill Fane, "Your table is waiting...", CADalyst. Eugene:Jan 1999", Vol 16, Iss 1; pg 70, 4 pgs.
- US Patent No 5,991,528 to Taylor et al.
- Barry Bowen, "Lessons in Programming How to Customized AutoCAD", CADalyst; Jul 1999; 16,7, Pg 71.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Morella Rosales-Hanner whose telephone number is (703) 305-8883. The examiner can normally be reached Monday-Friday from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on (703) 308-6647. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

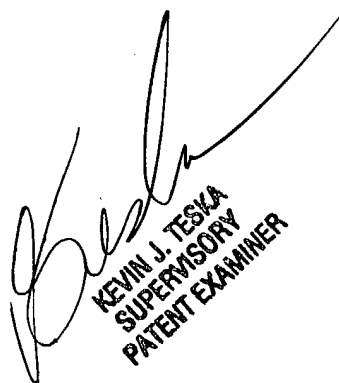
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MRH

August 5th, 2004



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER